IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 849 of 2005(O&M)
Date of decision: January 22,2007

Smt.Maro Devi V. Raj Kumar

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Sanjay Verma,,Advocate, for the appellant.
Shri R.K.Dhiman, Advocate for the respondent.

Viney Mittal,J.(Oral)

Plaintiff is in second appeal. She has challenged the judgment and decree dated November 8,2004 passed by the learned Additional District Judge whereby on an appeal filed by the defendant, the judgment and decree of the trial Court have been set aside and as a result thereof, the suit of the plaintiff was dismissed.

The plaintiff had filed a suit for declaration on March 23,1999 claiming that the judgment and decree dated March 2,1996 suffered by her late husband, Shadi Ram, in favour of the defendant was illegal, null and void and was a result of fraud. Shadi Ram had died on March 28,1997.

The trial Court decreed the suit filed by the plaintiff.

However, on an appeal filed by the defendant, the first appellate court reappraised the evidence and has come to the conclusion that no fraud was ever proved by the plaintiff. It has also been held that the decree was suffered voluntarily and willingly by Shadi Ram in favour of the defendant.

It is further clear from the perusal of the record that Shadi Ram had died on March 28,1997, and during his life time, had never challenged the decree in question. The aforesaid fact also is sufficient to reject the claim of the plaintiff.

Nothing has been shown that the findings recorded by the first appellate Court suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 22,2007 (Viney Mittal)
sks Judge